

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR ENVIRONMENTAL HEALTH)
2201 Broadway, Suite 302)
Oakland, CA 94612)

Plaintiff,)

v.)

DOCKET# 09-cv-2868

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, and LISA JACKSON,)
ADMINISTRATOR,)

Defendants.)

STIPULATED REQUEST FOR ORDER CHANGING TIME

Pursuant to Local Rule 6-2(a), plaintiffs Center for Environment Health and Californians for Pesticide Reform and defendants United States Environmental Protection Agency and Lisa Jackson as Administrator (collectively, "EPA"), hereby stipulate as follows:

1. This action was filed on June 25, 2009, pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 555(b), 702, 706(1), and the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136-136y, challenging the EPA's failure to act on plaintiffs' August 1, 2006 petition to initiate rulemaking pursuant to 5 U.S.C. § 553(e). The petition asks that EPA require the disclosure of hazardous inert ingredients on pesticide product labels. Over three years have elapsed without a substantive response from EPA to the petition.

2. This action was brought by plaintiffs to compel agency action alleged to be unreasonably delayed.

3. EPA was served with the summons and complaint on or about July 8, 2009. Consequently, pursuant to Fed. R. Civ. P. 12(a)(2), EPA's answer or other response to the complaint is due on or before September 8, 2009.

4. EPA hereby represents to the Court that it intends to have a substantive response to the plaintiffs' petition on or before September 30, 2009. The parties stipulate that a substantive response to all of the issues raised in the plaintiffs' petition would moot plaintiffs' claims of unreasonable delay in this matter.

5. Based upon EPA's representation in paragraph 4, the parties hereby stipulate that EPA shall either file a notice of mootness or a responsive pleading to the complaint no later than October 30, 2009.

WHEREFORE, the parties hereby request that the Court grant the requested time

change, such that EPA shall either file a notice of mootness or a responsive pleading to the complaint no later than October 30, 2009.

Respectfully submitted this 8th day of September, 2009.

/s/Charles M. Tebbutt
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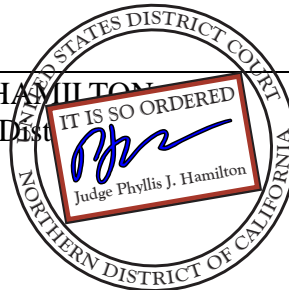
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/s/ Martha C. Mann
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated this 15 day of September, 2009.

PHYLLIS J. HAMILTON
United States District Judge



STIPULATION RE: TIME TO SERVE A RESPONSIVE PLEADING TO PLAINTIFFS'
COMPLAINT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be electronically filed on September 8, 2009. The following counsel are to receive notice of the filing via the Court's electronic case filing system:

Howard J. Hirsch
Mark N. Todzo
Lexington Law Group
1627 Irving Street
San Francisco, CA 94122

/s/ Martha C. Mann
MARTHA C. MANN
United States Department of Justice
Environment and Natural Resources
Division

STIPULATION RE: TIME TO SERVE A RESPONSIVE PLEADING TO PLAINTIFFS'
COMPLAINT